

REMARKS

The present application was filed on September 21, 2005 as a national phase filing under 35 U.S.C. §371 based on International Application No. PCT/FI2003/000575, which was filed on July 18, 2003 and claims priority to Great Britain Application No. 0217394.6, which was filed on July 26, 2002. The national phase filing was accompanied by a Preliminary Amendment wherein claims 1-35 from the international application were cancelled without prejudice and new claims 36-72 were presented. In an Amendment dated October 23, 2009, claims 36-38 and 52-72 were canceled without prejudice, and claims 73 and 74 were added. In an amendment dated June 28, 2010, claims 40 and 73 were canceled. Claims 39, 41-51 and 74 are pending, including independent claims 39 and 74.

In the present Office Action, the Examiner has rejected claims 39, 41-51 and 74 under 35 U.S.C. §103(a) as being allegedly unpatentable in view of U.S. Patent No. 6,703,689 (hereinafter "Wada") in view of U.S. Patent No. 7,052,939 (hereinafter "Huang").

Applicant respectfully traverses on the ground that Huang is not prior art relative to the present application. Huang was filed on November 26, 2002, with no priority. The present application has priority to July 26, 2002, and thus predates Huang. Even if Huang were prior art relative to the present application, Huang fails to remedy the deficiencies of Wada discussed by Applicant in the Amendments dated October 23, 2009 and June 28, 2010.

Notwithstanding this traversal, Applicant has chosen to amend the claims in view of telephone interviews between the Examiner and the undersigned attorney on November 30, 2010, and December 7, 2010. The present claim amendments are being made without prejudice solely in order to facilitate prosecution of the present application, rather than for reasons related to patentability over the prior art. Applicant expressly reserves the right to pursue claims similar to previously-presented claims 39 and 74 in one or more continuing applications.

Claims 39 and 74 have been amended without prejudice so as to specify that the recited substrate is a semiconductor substrate and to specify that the further conductive element is electrically isolated from the polysilicon of the conductive via within which the further conductive element is contained. Support for this amendment may be found in the specification at, for example, page 7, lines 10-19, and page 9, lines 26-28. Applicant notes that the latter amendment is similar to that helpfully suggested by the Examiner in the last sentence of the third paragraph on page 4 of the present Office Action.

Applicant respectfully asserts that the combination of Wada and Huang fails to teach or suggest at least the newly-added limitations of claims 39 and 74, and Applicant thus asserts that independent claims 39 and 74 are patentable over Wada and Huang. Applicant also asserts that dependent claims 41-51 are patentable over Wada not only for the reasons given above with respect to independent claim 39 from which they directly or indirectly depend, but also because one or more of said dependent claims recites separately patentable subject matter.

The Examiner is invited to contact the undersigned attorney to discuss any points raised in this response. Applicant asserts that claims 39, 41-51 and 74 of the present application are in condition for allowance, and requests favorable reconsideration.

Respectfully submitted,

/des/

Date: December 16, 2010

David E. Shifren  
Attorney for Applicant(s)  
Reg. No. 59,329  
Ryan, Mason & Lewis, LLP  
90 Forest Avenue  
Locust Valley, NY 11560  
(516) 759-2641